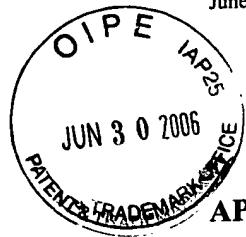


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**APPLICANT:**

Kitch et al.

**GROUP:** 1772**SERIAL NO:**

10/848,818

**EXAMINER:** P. Nordmeyer**FILED:**

05/19/2004

**FOR:**SUBSURFACE PRINTED PRESSURE SENSITIVE  
COMPOSITE

**Mail Stop Amendment**  
**Commissioner of Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**DECLARATION OF DAVID A. KITCH**

I, David A. Kitch, one of the named inventors in the above-identified patent application, declare as follows:

1. In 1988, I was awarded a Bachelor of Science in Chemical Engineering from the University of Massachusetts.

2. During the last 18 years I have been employed by FLEXcon, Inc., the assignee of the above-identified application, as a Product Development Chemist or engineer, working on printable topcoatings, engineered polymeric films, all types of silicone coated release liners, film laminations and heat seal and pressure sensitive adhesives.

3. I have reviewed the above-identified patent application, the office action mailed on March 7, 2006, U.S. Patent Nos. 4,915,994 (Begelfer) and 6,086,995 (Smith),

and European patent application No. 0 681 913 A1 (Avery). I have also reviewed the Declaration of Philip R. Emery.

4. One cannot determine whether and to what extent the facestock 14 of Begelfer and the unstable substrates 22, 66, and 76 of Smith will distort in either the machine or cross machine direction when in an unrestrained state and exposed to temperatures above about 140°F and/or subjected to tensions greater than about 0.5 PLI.

5. This is because both Begelfer and Smith lack critical information required to make such determinations, including for example: specific tensile and elongation properties; stiffness; film gauge; level of heat stabilization; and polymer formulation (e.g. plasticizer level).

6. Depending on the exact values of one or more of these critical properties, the Begelfer facestock 14 and the Smith substrates 22, 66, and 76 might or might not distort more than 1.0% in the directions and under the conditions described above in paragraph 4.

7. Therefore, in my opinion, the examiner has incorrectly concluded that in Begelfer and Smith, it is inherent that “the multilayer composite”<sup>1</sup> distorts more than 1.0% in either the machine or cross machine direction when in an unrestrained state and exposed to temperatures above about 140° and<sup>2</sup> when subjected to tension greater than about 0.5 PLI.”

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to

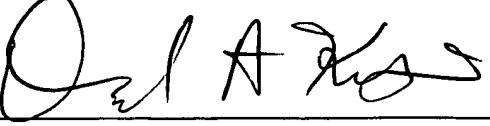
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<sup>1</sup> The reference to “multilayer composite” is believed to be in error and should read “facestock.”

<sup>2</sup> It would be more accurate to replace “and” with “and/or”.

be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 6/14/06



David A. Kitch